

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DAVID GILLESPIE

ART UNIT:

SERIAL NO.: 10/

EXAMINER:

FILED:

P.C.T. APPLICATION NO.: PCT/AU2004/000290

P.C.T. INTERNATIONAL FILING DATE: MARCH 9, 2004

PRIORITY CLAIM: MARCH 7, 2003

TITLE: QUESTIONNAIRE SOFTWARE MODULE

**PETITION TO REVIVE ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)**

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

12/16/2005 LLANDGRA 00000010 10560040

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Dear Sir:

750.00 DP

Applicant respectfully petitions the Commissioner for Patents to revive the above-identified

"Express Mail" mailing label number EQ 070888945 US

Date of Deposit December 7, 2005

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail - Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P. O. Box 1450, Alexandria, Virginia 22313-1450.


Edwin D. Schindler, Reg. No. 31,459

December 7, 2005
Date

patent application, pursuant to 37 C.F.R. §1.137(b), on the ground that such application was unintentionally abandoned (*i.e.*, the entire period of delay in meeting the outstanding requirements due by the 30th-month following Applicant's priority claim for eventual entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional), as a result of an unintentional delay of the undersigned's Australian patent associate in advising the undersigned to enter the U.S. National Phase and due to a docketing error committed by a former associate.

The above-identified P.C.T. international application, designating the United States, was filed on March 9, 2004, and validly claimed foreign priority on the basis of a patent application filed in Australia on March 7, 2003.

The above-identified P.C.T. international application was, therefore, due for entry into the U.S. National Phase, thirty (30) months from the claimed priority date, or by September 7, 2005. Thus, the above-identified patent application went "abandoned" after September 7, 2005, when the U.S. National Fee was not paid for entry into the U.S. National Phase.

In support of this Petition to Revive, the undersigned attorney-of-record hereby states that Applicant is entitled to claim Small Entity status and Applicant hereby submits:

1. The Petition to Revive fee of \$750.00 (small entity) is enclosed.
2. A proposed response to the outstanding requirement is enclosed, as follows:
 - (a) Copy of P.C.T. Application No. PCT/AU2004/000290, with International Search Report prepared by the Australian Patent Office;
 - (b) A check in the amount of \$1,265.00 is enclosed to cover the following fees:

- (i) Petition Fee of \$750.00 for the Petition to Revive on the ground of unintentional delay in entering the U.S. National Phase;
- (ii) Basic National Stage Fee of \$150.00 (small entity);
- (iii) National Stage Search Fee of \$200.00 (small entity; a copy of the ISA/AU International Search Report being enclosed;
- (iv) National Stage Examination Fee of \$100.00 (small entity); and,
- (v) Surcharge of \$65.00 (small entity) for the eventual submission of a Declaration executed by Applicant more than 30 months after the claimed priority deadline;
- (c) Preliminary Amendment; and,
- (d) Information Disclosure Statement.

A Declaration executed by Applicant will be filed, in due course.

With the concurrent submission of the foregoing documents and the foregoing fees, Applicant respectfully submits that all outstanding requirements for meeting the statutory 30th-month deadline, which expired after September 7, 2005, have now been satisfied.

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the above-identified patent application, but which have not otherwise been provided for.

A duplicate of this Petition is enclosed for billing purposes.

Accordingly, Applicant respectfully submits that all outstanding requirements for meeting

the statutory 30th-month deadline for eventual entry of the above-identified P.C.T. international application into the U.S. National Phase, are now satisfied.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

It is, therefore, respectfully submitted that the above-identified patent application should be held as being "unintentionally" abandoned, i.e., that the entire period of delay in meeting the requirements due by the 30th-month deadline for eventual entry of the above-identified P.C.T. international application into the U.S. National Phase was unintentional, for the reasons specified herein, and revived under 37 C.F.R. §1.137(b), and that prosecution of the above-identified P.C.T.

international application should be resumed and accepted into the U.S. National Phase for an eventual national patentability examination.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

DAVID GILLESPIE

By 
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December 7, 2005

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (Account No. 19-0450) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.